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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/676,323	09/29/2000	Paul J. Strande	S122.101.101	1989

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EXAMINER

LEGESSE, NINI F

ART UNIT

PAPER NUMBER

3711

DATE MAILED: 01/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/676,323

Applicant(s)

STRANDE, PAUL J.

Examiner

Nini F. Legesse

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because it contains more than 150 words. Correction is required. See MPEP § 608.01(b).

Priority

This application filed under former 37 CFR 1.60 lacks the necessary reference to the prior application. A statement reading "This application claims domestic priority from earlier filed provisional application Serial No. 60/156,904, filed 09/30/1999." should be entered following the title of the invention or as the first sentence of the specification. Also, the current status of all nonprovisional parent applications referenced should be included.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 6, 11-13 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Trosko (US Patent No. 3,580,584).

Trosko discloses:

- A straight arm path member (23) defining a straight edge (Fig 1);
- An arcuate-shaped body/club path member (11) defining a curved edge (Fig 1);

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- Body path member (11) includes a back swing portion and a follow through portion, with the back swing portion and the follow through portion each have a generally arcuate shape (Fig 1);
- Body path member (11) is configured to visually indicate an incorrect swing path (Fig 1);
- An inner edge of the arm path member and an inner edge of the body path member adjacent the respective leading ends of the arm path member and the body path member define a first acute angle therebetween having a vertex (Fig 1); and
- The back swing portion and the follow through portion include an indicia formed thereon and having a shape generally matching the curvature of the respective follow through and back swing portions (Fig 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trosko in view of Anderson (US Patent No. 3,542,369) and Vlach (US Patent No. 3,899,179).

Trosko discloses the invention as recited above but fails to reveal a directional arrow disposed at each of the leading and trailing ends of the arm path member, a directional arrow at the leading end of the body path member with a second arm and body path indicators and a second acute angle formed between the inner edge of the arm and the inner edge of the body path members. Vlach reveals a directional arrow (50) disposed at each of the leading and trailing ends of the arm path member (Fig 1). Anderson discloses a directional arrow at the leading end of the body path member (b), a second arm and body path indicators (refer to Fig 1 and 2), a second acute angle formed between the inner edge of the arm and the inner edge of the body path members (Fig 1) because both the leading and trailing ends of the body and arm path members diverge from each other as seen on Fig. 2. It would have been obvious to one having an ordinary skill in the art at the time the invention was made to include a directional arrow at the leading and trailing ends of the arm and body path members as taught by Vlach and Anderson in the Trosko device in order to provide a directional indicating means for properly aligning the direction of the swing of a golf club.

Claims 7-10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the reference(s) as applied to claims 1-6 above, and further in view of Official Notice.

With respect to claims 7-10, Trosko discloses a golf swing aid wherein the central portion of the arm path member including a target line indicia disposed adjacent the leading end and a back swing indicia disposed adjacent the trailing end (Fig 1). Vlach discloses a back swing indicia (50) generally straight solid line. And Anderson discloses

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dashed portions for the back swing indicia (a). But, all these references fail to show an elongated hole for receiving a golf tee. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have an elongated hole other than a circular hole (26) as revealed by Vlach or a circular hole for the tee (22) as revealed by Anderson since the examiner takes Official Notice of the equivalence of a round hole and an elongated hole for their use in the golf art as an openings for the placement of a tee would be within the level of ordinary skill in the art.

With respect to claim 14, Anderson discloses two sets of anchoring holes (18). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include anchoring holes as taught by Anderson in the Trosko device in order to secure the training device to the ground.

Claims 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the reference(s) as applied above to claims 1-16, and further in view of Furbush (US Patent No. 5,350,177).

All the references cited above fail to reveal a club path indicator. Furbush discloses club path indicators (72-76 including S and also refer to Column 5 lines 3-8). It would have been obvious to one having an ordinary skill in the art at the time the invention was made to include a club path indicator as taught by Furbush in the Trosko device in order to provide a guide that will assist a golfer to properly swing a golf club.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nini F. Legesse whose telephone number is (703) 605-1233. The examiner can normally be reached on Monday -Friday from 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewell, can be reached on (703) 308-2126. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



Paul T. Sewell
Supervisory Patent Examiner
Chicago